

# Notice of Allowability

Application No.

09/778,961

Examiner

Tekchand Saidha

Applicant(s)

YAN ET AL.

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 22 February 2005.
2. ☒ The allowed claim(s) is/are 4,8,9 and 24-29.
3. ☐ The drawings filed on 28 August 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 8/28/2002 7/8/2003 48
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **Notice of Allowability**

1. Applicants' election of Group III (claims 4-6, 8-11, 22 & 23) with traverse and the preliminary amendment filed on February 22, 2005 is acknowledged. The traversal is on the grounds that all claims require the searching of the recited sequences of group III. This is not found persuasive because depending upon the elected group different classes or subclasses have to be searched as explained previously. The requirement is still deemed proper and is therefore made FINAL.

Further, in view of Applicants' preliminary amendment and cancellation of claims (1-3, 5-7 & 10-23) to non-elected inventions, the traversal to the restriction requirement is now moot.

2. Claims 4, 8-9 & 24-29 are pending and under consideration in this examination.

3. Claims **4, 8-9 & 24-29** are allowed, subject to the following Examiner's Amendment.

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lin Sun-Hoffman on March 30, 2005.

#### Amend claim 4 as follows:

Claim 4, line 12, delete '(b)' and replace with '(a)'.

Claim 4, line 13, delete '(c)' and replace with '(b)'.

Claim 4, line 14, delete '(d)' and replace with '(c)'.

Claim 4, line 15, delete '(c)' and replace with '(b)'.

#### Amend the Specification as follows:

Page 10, last line, delete the hyperlink - '(available at <http://www.gcgc.com>)'.

Page 11, line 5, delete the hyperlink - '(available at <http://www.gcgc.com>)'.

Art Unit: 1652

5. The following is an examiner's statement of reasons for allowance:

This Application provides novel phospholipase sequence(s) of SEQ ID NO: 1 or 3 and a process of producing the enzyme recombinantly.

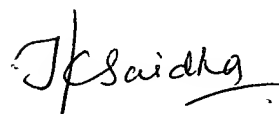
No prior art reference or sequence of record, however, taken alone or in combination teach the claimed invention or provide motivation to one of ordinary skill in the art to use the skills available in the area of enzymology or molecular biology, to make the invention obvious.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tekchand Saidha (Ph.D.) whose telephone number is (571) 272-0940. The examiner can normally be reached on Monday-Friday from 8:15 am to 4:45 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy, can be reached at (571) 272-0928. The fax phone number for this Group in the Technology Center is 703 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 571 272-1600.



Tekchand Saidha

Primary Examiner, Art Unit 1652

Recombinant Enzymes, E03A61 Remsen Bld.

400 Dulany Street, Alexandria, VA 22314

Telephone : (571) 272-0940

March 31, 2005